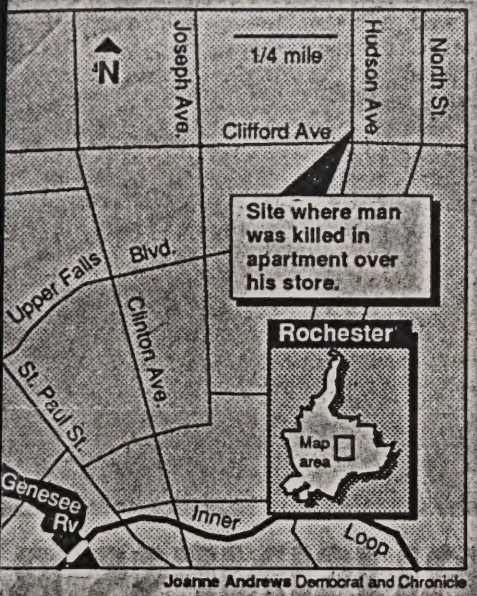
o forget over the years.
Most difficult was when his rother's lawyer, Daniel Mastrella,

granary is where Allen Pilbeam allegedly told Wesley Pilbeam he

TURN TO PAGE 2B

Genny ("Like the beer") puts the pressure on her master, Gary Pecorella of Rochester, as the two play ball in cool, dappled sunshine yesterday on the Cobbs Hill basketball courts.



Joanne Andrews Democrat and Chronicle

Slaying was possibly self-defense

Quarrel over loud TV resulted in shooting

By Steve Mills
Democrat and Chronicle

A Monroe County grand jury will be asked to consider the possibility of self-defense in the case of a city man who police say shot and killed his stepfather yesterday after a quarrel about a television set being too loud.

Willie Brown, 53, of 635 Hudson Ave., was shot once in the chest about 7:45 a.m. as he argued with his stepson in the apartment they shared above the Northside Grocery, police said.

He died about an hour later at Rochester General Hospital, a spokesman said.

Gregory Thornton, 24, was questioned in connection with the shooting but was not charged. Lt. Thomas Jones, commander of the city's Physical Crimes Unit, said investigators met with representatives of the Monroe County District Attorney's Office and decided the case would go to a grand jury.

"There seems to be an element of self-defense here," said Jones. "The father's armed with a handgun, Gregory's armed with a shotgun. There's a scuffle and a shooting."

Brown died from a gunshot wound to his chest, a spokesman for the Monroe County Medical Examiner's Office said.

Brown and Thornton began to argue shortly after Thornton arrived at the home about 7:30 a.m. and turned on the television. The volume was too loud for Brown, Jones said, and he and Thornton argued loudly.

"It was just too loud for the stepfather," Jones said. He gave the following account of the incident:

Brown's wife, 41-year-old Ruth Brown, became involved in the argument, taking her son's side. A short time later, Brown stormed out of the building, threatening to return.

Meanwhile, Ruth Brown used a length of lumber to barricade the door. Brown,

TURN TO PAGE 2B

Defense lawyers roll up sleeves at start of 'Topfree 10' trial

By Laura Buterbaugh
Democrat and Chronicle

Not many court trials begin with the judge conferring with the prosecutor on how to pronounce the anatomical word for the area around a woman's nipple.

But it's clear for many reasons that the Rochester City Court trial of the Topfree 10 is not going to be typical.

The defendants are admitting they broke the law by removing their shirts in public. Instead of denying their actions, they say the law shouldn't exist in the first place because it discriminates against women.

"They were arrested for doing simple, everyday things that men are allowed to do every day," said Assistant Public Defender Jeffrey Wicks, who is representing Nina Leibowitz.

The women were arrested in June for going shirtless on a beach at Durand Eastman Park. Each was charged with exposure of a person, a violation that carries a maximum penalty of 30 days in jail and a $500 fine.

Their joint trial began yesterday before Judge John Manning Regan. Lawyer Sharon Kelly Sayers represents eight other defendants, and Mary Lou Schloss — one of those arrested — is defending herself.

After Assistant District Attorney Ann E. Chase read during her opening statement the portion of the penal law regarding exposure of a person, Regan said he "looked up the pronunciation of (the word) areola, since I expect the term might come up again."

Areola, pronounced air-RE-o-la, is the anatomical term for the dark area around the nipple.

In her opening remarks, Sayers said her eight clients did the "gross, lewd and disgusting violation of removing their shirts on a hot day.

"During the arrests, other shirtless people gathered to watch. They weren't afraid of being arrested, because they weren't guilty of being females," she said.

The group claims the state law, which prohibits women from exposing their breasts in public except for nursing babies and topless dancing in a show or play, violates the 14th Amendment that calls for equal protection under the law.

"If my clients had gotten up on a picnic table and engaged in a lewd dance, they wouldn't be arrested," Sayers argued.

Monroe County Sheriff's Deputy C. George Zink testified for the prosecution that he was on marine patrol when he received a call from an unidentified boater saying "there were 100 people naked on the Durand Eastman beach. They said there was going to be trouble and we should get over there," Zink said.

When he and another deputy on his boat got to the beach, they found about 30 topless women, he said. When asked to don shirts, he said all but 10 complied.

Sayers asked how Zink knew they were women. "They had breasts," he replied. "I'm 60 years old. I know what a woman looks like."

One of the women who did not comply

TURN TO PAGE 2B

Testimony starts in 'Topfree' trial

FROM PAGE 1B

was Tierney O'Brien Dovan, a Pittsford mother of three who was with the group at the beach. She said she refused to put her shirt on because she was nursing her 2-year-old daughter, Grace. She believed she was exempt from the law, which allows women to nurse children in public.

But the police told her she could just as easily nurse her daughter with her shirt partially on, so they arrested her, she said.

Later, during the booking process at a county maintenance building used by park workers and police, Dovan asked to use the bathroom. There she found a poster hanging on the wall of a naked man and woman engaged in a masochistic sexual act, she testified.

"It was just outrageous that this poster was hanging there, and I was subjected to it," Dovan said. "What I was arrested for was a natural act and this was so unnatural."

Sayers tried to use the poster as an example of society's standards to help prove that the law not allowing women to go shirtless is unconstitutional. But Regan would not allow the testimony into evidence.

This is the second "Topfree" trial. In 1986, seven women — some of them who also are involved in this year's fight — were arrested when they refused to wear shirts during a picnic at Cobbs Hill Park. They made national headlines and some appeared on the *Donahue* television talk show.

After a weeklong trial, City Court Judge Herman J. Walz dismissed the charges, ruling the arrests violated the women's rights to free speech. But he upheld the state law regarding public nudity, and his decision is not binding on other judges.

Reporter J. Leslie Sopko contributed to this story.

Deer hunt debat tabled by county

FROM PAGE 1B

said he believes the county shou take the lead on the problem a show the city and town that it wants to do something about it

"They're showing no leadersh whatsoever," Eckert said of the Democrats.

Legislature President Kevin Murray, D-Rochester, said he wanted to know where Irondeq and the city stood on the hunt. sent town and city officials lett in June seeking their position said he had received no respon

Murray also showed a Janua 1988 letter by Irondequoit Poli Chief William Frey that said a bow or gun hunt to reduce dee overpopulation would "not be sirable for safety reasons."

Both Eckert and Irondequoi Supervisor Eugene C. Mazzola said the letter referred to a hu